

May 10, 2000: "Granting Permanent Normal Trade Relations (PNTR) Status to China: Is it in the U.S. National Interest?"

Testimony Of Steven T. McFarland

on behalf of The U.S. Commission On International Religious Freedom
Before the Committee On International Relations Of The United States House Of Representatives

May 10, 2000

Mr.

Chairman and members of the Committee, thank you for inviting the U.S. Commission on International Religious Freedom to testify concerning the condition of religious freedom in China as you deliberate the important question of whether or not to grant Permanent Normal Trade Relations to the People's Republic of China. My name is Steven McFarland and I have the privilege of serving the Commission as its Executive Director.

It is a particular honor to testify before this committee, whose chair, ranking member, and so many of whose members have lead the Congress in elevating human rights as a primary consideration of U.S. foreign policy.

As you know, the U.S. Commission on International Religious Freedom is a federal legislative agency that was created by the International Religious Freedom Act of 1998, 22 U.S.C. 6401 (note), Pub. L. 105-292, as amended by Pub. L. 106-55. This bipartisan Commission is charged with the responsibility of advising the President, the Congress, and the Secretary of State on conditions of international religious freedom and what the United States can and should do to promote it. Our first annual report, published last week on May 1, focuses primarily on three specific countries--Sudan, China, and Russia.

The Commission's Recommendation on PNTR For China

The Commission's nine voting members come from both political parties and a diversity of religions, and a number of them strongly support free trade. Yet the Commissioners were unanimous in their report in asking that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom. The Commission's reasoning is stated in its Report:

The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief has been a major factor for the annual decision, by presidents and congressional majorities of both parties, to grant "most favored nation" (MFN) trade relations to China each year over the past two decades. Moreover, a grant of PNTR and Chinese membership in the World Trade Organization may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom"

The Commission offers five standards for Congress to measure whether China is making substantial improvement in this fundamental human right:

- a. China agrees to establish high-level and ongoing dialogue with the U.S. government on religious-freedom matters;
- b. China agrees to ratify the International Covenant On Civil and Political Rights, which it signed in 1997;
- c. China agrees to permit unhindered access to religious prisoners by the Commission;
- d. China discloses the condition and whereabouts of persons imprisoned for reasons of religion or belief;
- e. China releases from prison all persons incarcerated for religious reasons.

The Commission does not nominate these as preconditions for PNTR, but as standards or plumb lines. The Commission unanimously recommends that PNTR be considered only if and when China agrees to a number of these measures. And rather than proposing a strict formula, the Commissioners leave up to the Congress how much progress China must agree to on some or all of these five standards before PNTR is granted. That China should make substantial improvement in religious freedom before being awarded PNTR is the Commission's recommendation; whether progress is sufficiently "substantial" would be left up to the Congress.

The Commission concluded that these are significant yet "doable" requests to make of China. The Chinese government could announce tomorrow that it intends to: ratify the ICCPR, commence high-level talks on religious freedom, invite the Commission to visit incarcerated religious leaders, and release all religious prisoners who are elderly, ill, or children. If it did so, this Congress might well conclude that such intentions demonstrated sufficient improvement in respect for religious freedom to proceed with granting of PNTR. Indeed, the vote on PNTR could take place as scheduled in several weeks.

The Commission's Findings

What happened in China to lead the Commission to this unanimous recommendation?

Over the last several months, the Commission has conducted research and held hearings on limits to religious freedom in China. The commissioners found that violation of religious freedom in China is egregious, ongoing, and systematic. In fact, conditions are worsening, as the Chinese Communist Party and government leaders promulgate new laws and policies to eliminate religious activity beyond their direct control.

What little religious freedom Chinese enjoyed in the past is being constricted. Protestant house-churches, the underground Catholic church, Tibetan Buddhists, Uighur Muslims and Falun Gong practitioners are all feeling the squeeze.

This past year saw: the continued prohibition of religious belief for large sectors of the population; the ongoing harassment of unregistered churches; the assertion of state control over authorized religions; an increase in the number of sects branded "heretical cults"; the continued use of notorious extrajudicial summary trials and the sentencing to reeducation through-labor camps for so-called "crimes" associated with religion; and credible reports of torture of religious prisoners.

1. Continued ban on religious belief for large sectors of the population

The right to freedom of belief is explicitly denied to the 60 million members of the Chinese Communist Party, the 3 million members of the Chinese military and hundreds of millions of citizens under the age of 18. Several campaigns to purge the Party and military of believers have been waged over the last five years. The state has reasserted its monopoly over the spiritual education of minors, thus making participation by children in any religious activity subject to discipline.

2. Assertion of state control of authorized religions

Regulations in the PRC now require that all religious groups register with local units of the Religious Affairs Bureau (RAB) in the Ministry of Civil Affairs and that they affiliate with one of the five authorized religions: Buddhists, Taoists, Muslims, Protestants and Catholics. Churches are required to be self-supporting, locally led, and self-propagating. It is in this narrow officially sanctioned space that people of faith may exercise their religious beliefs--to use a Chinese metaphor, the "cage" in which the bird of religious liberty will be allowed to fly.

While in theory registration requirements need not be onerous, and in fact many congregations operate under RAB auspices with little interference, serious restrictions on freedom of religious expression have been reported in recent years. Many of the limits imposed on registered churches are in violation of accepted international standards of free exercise of religion.

Human Rights Watch reports that registration oversight of these authorized religious groups entails official scrutiny of membership; allowing censorship of religious materials and interference with doctrinal thought; ceding some control over selection of clergy; opening financial records to government scrutiny; restricting contacts with other religious institutions; accepting limits on some activities, such as youth or social welfare programs, or building projects; eschewing evangelism; and limiting religious activities to religious sites.¹ The state requires that political indoctrination be an important component of religious training for recognized religious groups. This often comes at the expense of religious education as is the case with a recent movement to "reduce the number of years of seminary training of Catholic priests from the normal five to six years to two."²

Authorities limit the building of mosques, monasteries, and churches even for approved groups. They restrict the numbers of students in Christian seminaries, Buddhist monasteries, and Islamic schools. They proscribe the teaching of certain doctrines and labeled heretical practices such as exorcism and healing.

Chinese authorities remain deeply suspicious of the involvement of "hostile foreign elements" in Chinese congregations and severely limit association between Chinese and foreign religious groups.

3. Ongoing harassment of unregistered churches

The Chinese strategy is to manage religious affairs within a legal and bureaucratic framework that places responsibility for developing religious policy on the United Front Work Department of the Communist Party and the management of religious issues under the direction of the government's Religious Affairs Bureau. All religious groups are now required to register with local RAB officials. The Protestant house-church movement and Catholics loyal to the Vatican are among those groups that have resisted registration on principle or been denied permission to register. While in many areas officials have allowed the unregistered groups to continue without harassment, in others, officials have been zealous to the point of abuse in their campaign to force the registration of places of worship.

Human rights groups report Chinese authorities detained 40 Protestant worshipers in Wugang in October of 1998, at least 70 worshipers in Nanyang in November, and 48 Christians, including Catholics, in Henan in January of 1999. Authorities detained, beat, and fined an unknown number of underground Catholics in Baoding, Hebei in the same month. In April of last year, Public Security personnel raided a house church service in Henan. Twenty-five Christians were detained. Seventy-one members of the Disciples Sect were detained in Changying in April.³ In November of 1999, six leaders of Protestant groups in Henan were sentenced to re-education through labor.⁴ Just this week, a reliable Hong Kong source reported that Chinese police have detained 47 Protestants in Anhui province and criminally charged six of their leaders for organizing an illegal sect and illegal gatherings.⁵ Similarly, leaders of large Protestant house-church networks who, in 1998, challenged the government to a dialogue, have been targeted for arrest. Unauthorized Protestant places of worship have also been destroyed.

Some observers report a concerted effort to "eliminate underground bishops and bring them under the authority of the Chinese Catholic Patriotic Association."⁶

This patriotic association is being introduced into areas in which it never existed before. It is pressing underground bishops for obedience, not just cooperation. Without consultation of church leaders, dioceses are being re-organized: Some recently divided dioceses are being re-united and others have been abolished. On January 6 of this year, the Chinese Catholic Patriotic Association ordained five bishops without Vatican approval and over the objections of many in the Chinese Catholic church.

There are reports of many detentions of Catholic clergy loyal to the Vatican in recent months in an apparent attempt to force their

allegiance to the official church. One, the young Father Weiping, was detained in May of 1999 while performing an unauthorized mass. He was found dead on a Beijing street shortly after being released from detention. An autopsy was not conducted and the cause of death is unknown.⁷

The Vatican reports that five churches built without authorization had been razed. Thirteen were destroyed in the Fuzhou diocese in Fujian.⁸

Repression in Xinjiang and Tibet

Some of the most egregious violations of religious freedom occur in Tibet and Xinjiang, where ethnic, political, and economic factors complicate the relationship between the atheist state and large communities of Tibetan Buddhists and Uighur Muslims. In these areas Chinese controls on information are especially tight.

In these sensitive regions, authorities seeking to crush separatist activities infiltrate and attempt to dominate religious institutions which they fear foment opposition to continued Chinese control. Religious freedoms are curtailed and in response, resistance intensifies.

Amnesty International reports that authorities in the Xinjinag Uighur Autonomous Region have closed mosques and Koranic schools, halted the construction of unauthorized mosques, prohibited the use of Arabic script, more tightly controlled Islamic clergy, and required Muslims who are Party members or who work in government offices to abandon the practice of Islam or lose their positions. The Chinese press reported that "rampant activities by splittists" justified the closure of 10 unauthorized mosques, and the arrest of mullahs who it said had preached "illegally" outside their mosques. It further related that public security personnel raided 56 mosques.

While allowing some Muslims to make a religious journey to Mecca, authorities deny that experience to hundreds of Uighurs desiring to do so.⁹

In Tibet, where Chinese authorities fear growing Tibetan nationalism and the political and organizational power of the monasteries, religious institutions are likewise tightly controlled.

In an action denounced by the Dalai Lama, authorities of the Tibet Autonomous Region and the RAB in Beijing approved the selection of a boy as the reincarnation of the sixth Reting Lama. This is the latest in a campaign to control the future leadership of Tibetan Buddhism. In 1995, the Dalai Lama identified a young boy, Gendun Choekyi Nyima, as the reincarnate Panchen Lama. The Chinese immediately denounced the Dalai Lama's choice, detained the boy and his family, and pushed the acceptance of their choice, Gyaltzen Norbu. Chinese authorities continue to hold the Panchen Lama at an undisclosed location and refuse all requests to visit him put forward by official and unofficial

foreign delegations.

Each of Tibet's major monasteries is overseen by a Democratic Management Committee, members of which are vetted by authorities for their political reliability. The Committee regulates religious affairs, finances (90 percent of which come from private donations), security, and training. It enforces limits on the number of monks and nuns within monasteries and conducts invasive "patriotic" education campaigns that force monks and nuns to denounce the Dalai Lama and accept the Chinese-selected Panchen Lama.

Authorities limit the religious festivals Tibetans are allowed to observe, the rituals monks are allowed to perform, and the courses of study that monasteries are allowed to teach. In 1995, Chinese authorities asserted that a sufficient number of monasteries, monks and nuns now exist to satisfy the daily religious needs of the masses. The Party Secretariat of the Lhasa City Administration announced that it would not allow more monasteries to be built and that monasteries constructed without permission would be destroyed.

5. Increase in the number of sects branded "heretical cults" and banned

Article

300 of the Criminal Law, as amended in 1997, and as interpreted by the People's Supreme Court and the National People's Congress, stipulates that central authorities have the right to delegitimize any belief system they deem to be superstitious or a so-called "evil religious organization." Leaders of these so-called cults are subject to "resolute punishment." In the absence of a clear definition of terms, Chinese authorities have wide latitude for using the designation "cult." Even private religious practice is forbidden to members of groups declared by Chinese authorities to be "evil cults."

Falun

Gong, a syncretic meditation movement whose spiritual teachings draw on Taoist and Buddhist belief systems, has been the target of a virulent anti cult campaign. On April 25, 1999, 10,000 practitioners staged a peaceful demonstration outside the residential compound for top Party officials in central Beijing. The gathering was prompted by reports of police violence against fellow practitioners in Tianjin and by an official ban on publishing Falun Gong materials. In the months that followed, the group was declared an "evil cult" and by year's end the government acknowledged having detained more than 35,000 adherents. Some detainees were tortured. Zhao Jinhua was reportedly beaten and killed while in Shandong jail.¹⁰ Others have been held in mental institutions for "re-education."¹¹ In closed trials Falun Gong leaders received prison sentences of 6 to 18 years. Many of those who have told their stories to outside media have been severely punished.

The law has been used against a number of other religious groups. In January of this year, Zhong Gong,

a meditation and exercise sect claiming 20 million practitioners, was added to the list. Also banned are a sect with Buddhist origins, Yi Guan Dao, and at least 10 evangelical Protestant groups including the China Evangelistic Fellowship in Henan province.¹²

Conclusion

For these reasons, the Commission unanimously concludes that

"an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. . . A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom..."

Mr.
Chairman, on behalf of the members of the U.S. Commission On International Religious Freedom, thank you for the privilege of appearing before this Committee today. With your permission, I would ask that the chapter on China in both the Commission's Report and the Staff Memorandum that accompanied it be included in the hearing record with my testimony.

Thank you.

¹
Mickey Spiegel, "China: Religion in the Service of the State," testimony at the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California

² Human Rights Watch Continuing Religious Repression in China, 1993

³ State Department Annual Report, International Religious Freedom, 1999

4 Associated Press, "Sect Followers Said Tried in Secret," December 30, 1999

5 Newsroom, "China Detains 47 Members of Protestant Group," May 7, 2000

6 Rev. Drew

Christiansen, S. J. "Policy Responses to the Denial and Restriction of Religious Liberty in the People's Republic of China," testimony before the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California

7 State Department Annual Report, International Religious Freedom, 1999

8 State Department Annual Report, International Religious Freedom, 1999

9 Uighur witness testimony before the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California

10AP 12/13/1999

11 Lu Siqing,

Director of the Information Center for Human Rights and Democratic Movements, Hong Kong, Testimony before the USCIRF, Los Angeles, California, March 16, 2000

12 The conditions

have been reported in detail by the State Department, by human rights organizations, and in the Staff Memorandum For The Chairman that accompanies the Commission's May 1 Report (the latter two documents may be found on the Commission's Web site, www.uscifr.gov).